

Application No. 10/025,316

Attorney Docket No. COR-001-US

Application for Patent Term Adjustment dated 05 September 2007

Response to Determination of Patent Term Adjustment dated 05 June 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/025,316

Confirmation No. 8207

Applicant : Cora ALISUAG

Filed : 18 December 2001

TC/A.U. : 2142

Examiner : Thong H. VU

Title : COMPUTER ORIENTED RECORD ADMINISTRATION SYSTEM

Docket No. : COR-001-US

Customer No. : 26659

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

05 September 2007

**Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

Applicant respectfully submits that the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) of a Patent Termination Adjustment to date of **523** day(s) is in error, because this determination appears to have been erroneously limited to a determination under 37 C.F.R. § 1.702(a), subject to reductions thereof under §§ 1.704(b) and (c)(8). Applicant respectfully submits that the present application is entitled to a determination of Patent Term Adjustment under **§ 1.702(b)**, subject to same reductions as determined by the USPTO. The Patent Term Adjustment under § 1.702(b) is presently growing by one day for each day until issuance, and if a patent on the present application issues on the Tuesday before the date that is 28 weeks after the 05 June 2007 mailing date of the Notice of Allowance -- i.e. on 18 December 2007 -- then the Patent Term Adjustment will be **876** days, which is **353** days greater than the above-referenced determination by the USPTO.

(1) Payment

Enclosed herewith is an electronic payment by credit card in the amount of **\$200** for the fee set forth in **§ 1.18(e)**.

(2) Statement of the Facts Involved:**(i) Correct Patent Term Adjustment Under § 1.702**

Under § 1.702(b), the correct Patent Term Adjustment (PTA) is given by the formula $PTA=772+X$, wherein **X** is the number of days that the date of issuance exceeds the **05 September 2007** date of the payment of the issue fee. The correct Patent Term Adjustment is based on a failure to issue a patent on the present application within three years of its 18 December 2001 filing date.

(ii) Period of Adjustment Under § 1.703

The period of adjustment due to examination delay is, under § 1.703(b), the number of days in the period beginning on **19 December 2004**, the day after the date that is three years after the date (18 December 2001) on which the application was filed under 35 U.S.C. 111(a), and ending on the date that a patent issues, without any reductions under §§ 1.703(b)(1), 1.703(b)(2), 1.703(b)(3) or 1.703(b)(4). There were no adjustments under §§ 1.703(c) through (e), and under § 1.703(f), the lesser period of adjustment under § 1.703(a) as determined by the USPTO would be treated as overlapping with the period of adjustment under § 1.703(b), given the interpretation of 69 FR 34283 on 21 June 2004. Accordingly, under § 1.703(f), the adjustment to which the patent is entitled is given by the formula $991+X$ based upon § 1.703(b), wherein **X** is the number of days that the date of issuance exceeds **05 September 2007**. There are **991** days in the period beginning on **19 December 2004** and ending on **05 September 2007** -- the date on which the issue fee is being paid. The period of adjustment will increase one day for every day in the period beginning on **1 September 2007** and ending on the date on which the patent issues.

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iv) Reductions in Adjustment Under § 1.704 for Failure to Engage in Reasonable Efforts to Conclude Processing or Examination

Under § 1.704, the following circumstances during the prosecution of the present application constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704, resulting in a total period of **219** days:

§ 1.704(b) – Periods of time in excess of 3 months to reply to an Office action

The following periods of time in excess of three (3) months were used to reply to Office actions in the present application:

Date		Days in excess of 3 Months from date of Office action
Office action	Reply	
2/17/05	8/17/05	92
10/21/05	1/24/06	3
2/23/06	6/25/06	33
8/24/06	1/24/07	61
Total period under § 1.704(b)		189

§ 1.704(c)(8) – Other circumstances

An information disclosure statement was filed on **25 July 2006**, **30 days** after having earlier filed a response to a non-final Office action on **25 June 2006**. Accordingly the total period under § 1.704(c)(8) is **30** days.

Summary and Conclusions

Applicant respectfully submits that the correct Patent Term Adjustment (PTA) is equal to the period of adjustment under § 1.703 of **991+X** days, less the period of reductions under § 1.704 of **219** days, or **PTA=772+X**, wherein **X** is the number of days that the date of issuance exceeds **05 September 2007**. Applicant respectfully requests that upon issuing a Notice of Issuance, that the Patent Term Adjustment be calculated according to the formula **PTA = 772+X** where **X = Date of Issuance – 9/5/07**.

Respectfully Submitted,

/Kurt L. VanVoorhies, Ph.D., P.E./ #38,643

Raggio & Dinnin, P.C.
2701 Cambridge Court, Suite 410
Auburn Hills, MI 48326
1221-00001 (COR-001-US)
05 September 2007

Kurt L. VanVoorhies, Ph.D., P.E.
Registration No. 38,643
Phone: **248-364-2100**
Facsimile: 248-364-2200